

**A-6644 (a) & (b)**  
**Variance Request**

- a) Construct an expanded stoop with six (6) treads which would encroach a maximum of twenty and two-tenths (20.2) feet forward of the twenty-five (25) foot front (Hesketh Street) building restriction line; and
- b) Construct a portico which would encroach a maximum of fourteen and three-tenths (14.3) feet forward of the front (Hesketh Street) building restriction line.

Mr. Perry W. Linder &  
Judith A. Linder  
18 Hesketh Street

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CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
NOVEMBER 10, 2014 SPECIAL MEETING

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STAFF INFORMATION REPORT

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**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 11/6/2014  
**SUBJECT:** HEARING OF CASE NO. A-6644 (A) & (B) VARIANCE REQUEST  
MS. JUDITH A. AND MR. PERRY W. LINDER; 18 HESKETH STREET  
A) CONSTRUCT AN EXPANDED STOOP WITH SIX (6) TREADS WHICH WOULD ENCROACH A  
MAXIMUM OF TWENTY AND TWO-TENTHS (20.2) FEET FORWARD OF THE TWENTY-FIVE (25)  
FOOT FRONT (HESKETH STREET) BUILDING RESTRICTON LINE; AND  
B) CONSTRUCT A PORTICO WHICH WOULD ENCROACH A MAXIMUM OF FOURTEEN AND THREE  
TENTHS (14.3) FEET FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (HESKETH STREET)  
BUILDING RESTRICTION LINE.

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**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code Sec. 8-16(c) states:**

No structure of any description shall be erected within twenty-five (25) feet of the front lot line of any lot...

**APPLICABLE COVENANTS:**

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises."

**FACTUAL AND BACKGROUND INFORMATION:**

The Property is located on the south side of Hesketh Street and is located in the Chevy Chase Village Historic District. The Applicants have obtained approval for the proposed work from the Historic Preservation Commission (HPC).

**Case A (stoop & treads):**

The existing house encroaches eight and three tenths (8.3) feet forward of the twenty-five (25) foot front building restriction line (BRL). The existing stoop encroaches an additional two and one-half (2.5) feet and the existing treads encroach five and eight-tenths (5.8) feet beyond the stoop, thus **the total existing encroachment of the stoop and treads is sixteen and six-tenths (16.6) feet forward of the front BRL.**

The total maximum encroachment of the proposed stoop and treads is twenty and two-tenths (20.2) feet forward of the front BRL. **Thus the proposed total maximum increase in the encroachment is three and six-tenths (3.6) feet.**



Figure 1: View of 18 Hesketh Street.



Figure 2: View of existing stoop and steps.

The existing stoop measures thirty (30) inches in the direction of travel.

According to current Montgomery County building regulations, it is required for safety purposes to have a landing measuring at least thirty-six (36) inches in depth outside of an exterior door:



### **R311.3 Floors and landings at exterior doors.**

There shall be a landing or floor on each side of each exterior door. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

Thus the current egress does not comply with the County code.

In previous cases for variances for stoops and steps involving covenant setbacks and front building line restrictions, the Board has found that the covenants were not enforceable in the following circumstances:

- 1) Where uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house, and which steps and stoops are the minimum necessary to provide reasonable access, these steps and stoops are not considered structures for the purposes of the covenants.
- 2) When uncovered steps and stoops were constructed at the time that the covenants applicable to the property were placed, or shortly thereafter, it was presumed that the covenant authors did not intend those protrusions to be classified as “structures” for the purposes of the covenants.

### **Case B (portico):**

The existing soffit encroaches nine and eight-tenths (9.8) feet forward of the twenty-five (25) foot front (Hesketh Street) building restriction line.

The total maximum encroachment of the proposed portico is fourteen and three-tenths (14.3) feet forward of the front BRL. **Thus the proposed total maximum increase in the encroachment for the portico is four and one-half (4.5) feet.**

To date no letters have been received either in support of or opposition to the request.

The Village arborist has assessed the property. No trees are proposed for removal and construction of the stoop, treads and the new at-grade walkway and steps to the public sidewalk can be accommodated through a Tree Protection Plan.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300.

### **RELEVANT PRECEDENTS: CASE (A) STOOP & TREADS:**

There are many cases of the Board granting requests for variances to construct or re-construct, despite front covenant setback encroachments, uncovered front stoops and treads at a property when they are “the minimum required to get from grade to the first floor of the house”. In May of 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were **granted a variance to extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit “any stable, carriage houses or shed” forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting “structure[s] of any description” forward of that setback. In December of 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were **granted a variance to expand** their uncovered



front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were **granted a variance to enlarge** a non-conforming uncovered stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. (In January of 2011 the same applicants were **denied a variance to construct** a portico over the previously approved stoop and steps.) In January of 2011, Ms. Joanne Kyros and Mr. Thomas Schaufelberger were granted multiple variances to extend existing encroachments in the west (side) yard of their property pertaining to an addition as well as **granted a variance to construct** an uncovered stoop with three treads that would encroach five (5) feet forward of the front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. (The applicants were **denied permission to construct a roof** over the proposed stoop that would encroach three (3) feet forward of the front building restriction line.) In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were **granted a variance to relocate and construct** non-conforming uncovered front steps, leading to a covered porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps would encroach twelve feet, eight inches (12'-8") forward of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were **granted a variance to reconstruct** the uncovered front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were **granted a variance to reconstruct** the uncovered front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Dr. & Mrs. Jeffrey Shuren were **granted a variance to reconstruct** uncovered steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight inches (6'-8") forward of the twenty-five (25) foot front building restriction line. In December of 2012 the Chevy Chase Village Board of Managers considered the request of Mr. & Mrs. Steven Sprenger of 5501 Park

Street for a variance to construct uncovered treads leading to a front stoop in the front (Park Street) yard which would encroach forward of the front building restriction line. A **motion to approve the request for a variance failed**; therefore, **construction of the proposed treads was denied** per the Village Manager's decision dated October 25, 2012. In that case there had not previously existed an encroachment forward of the front BRL and covenant setback line at the property nor was there an established encroachment throughout the rest of that block of Park Street. In March of 2013, Mr. & Mrs. Alex Sternhell of 27 Primrose Street were **granted a variance to reconfigure** a pair of existing (uncovered) front steps that would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. Brendan O'Neill Sr. was **granted a variance to construct** a new house, the proposed soffit, gutter, portico stoop and treads of which would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. & Mrs. Peter Wellington of 18 West Lenox Street were **granted a variance to reconstruct** the uncovered front stoop with three treads, including one new additional tread that would encroach a maximum of nine (9) feet. In July of 2013, Mr. Christopher Erckert and Mr. Christopher Sperl were **granted a variance to modify** an existing uncovered stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line. In September of 2013 Ms. Joanne Kyros and Mr. Thomas Schaufelberger were **granted a variance to reconstruct** an uncovered front stoop and treads, adding an additional tread, that would encroach a maximum of six feet, two inches (6'-2") forward of the twenty five (25) foot front building restriction line. In November of 2013 Mr. Sean F. X. Boland of 4 East Lenox Street was **granted a variance to reconstruct** a front stoop and treads as well as to construct a portico over the proposed stoop. (In that case there was no covenant conflict and the majority of the properties on the subject block of East Lenox Street also had encroachments forward of the twenty five (25) foot front BRL.) In January of 2014, Mr. & Mrs. J. Michael McGarry of 24 West Kirke Street were **granted a variance to construct** a front stoop with two (2) treads that would encroach a maximum of five feet, two inches (5'-2") forward of the twenty-five (25) foot front building restriction line.

**RELEVANT PRECEDENTS: CASE (B) PORTICO:**

There are numerous precedents for variances from former Sec. 8-17 (c) of the Village Code (prohibiting structures within twenty-five (25) feet of the front line of any lot) to construct porticos that were **denied** because they would have **created covenant setback violations**. (Recently, in January of 2011 Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were **denied a variance to construct** a portico over a previously approved expanded stoop and steps. In January of 2011, Ms. Joanne Kyros and Mr. Thomas Schaufelberger were **denied permission to construct a roof** over a proposed stoop expansion that would encroach three (3) feet forward of the front building restriction line.)

As for approvals of requests to construct new porticos, in June of 2013, Mr. Brendan O'Neill Sr. was **granted a variance to construct** a new house, the proposed soffit, gutter, portico, stoop and treads of which would encroach forward of the twenty-five (25) foot front building restriction line. The Applicant contended that a previous house at the property had encroached farther forward than the proposed portico and that other properties on the block had similar encroachments as the proposed.

In November of 2013 Mr. Sean F. X. Boland of 4 East Lenox Street was **granted a variance to construct** a portico over a proposed stoop. In that case there was no covenant conflict at the property and the Applicant established that majority of the properties on the subject block of East Lenox Street also had encroachments forward of the twenty five (25) foot front BRL.

In this case, the existing house encroaches forward of the front BRL and approval of the request would expand the encroachment.



**FINDINGS REQUIRED:**

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
  2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
  3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.
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**Draft Motion**

I move to APPROVE/DENY the variance request in Case A-6644(a) on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

I move to APPROVE/DENY the variance request in Case A-6644(b) on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10<sup>th</sup> day of November, 2014 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6644 (a) & (b)  
MR. PERRY W. LINDER &  
MS. JUDITH A. LINDER  
18 HESKETH STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to a) construct an expanded a stoop with six (6) treads which would encroach a maximum of twenty and two-tenths (20.2) feet forward of the twenty-five (25) foot front (Hesketh Street) building restriction line; and b) construct a portico which would encroach a maximum of fourteen and three-tenths (14.3) feet forward of the front (Hesketh Street) building restriction line.

**The Chevy Chase Village Code Sec. 8-16 (c) states:**

No structure of any description shall be erected within twenty-five (25) feet of the front lot line of any lot...

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.


This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 30<sup>th</sup> day of October, 2014.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR APPEAL A-6644**

**MS. JUDITH A. LINDER &  
MR. PERRY W. LINDER  
18 HESKETH STREET  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Mr. & Mrs. Andrei Lavrov Or Current Resident 11 Hesketh Street Chevy Chase, MD 20815	Ms. Deanne M. Ottaviano & Mr. David H. Evans Or Current Resident 15 Hesketh Street Chevy Chase, MD 20815
Ms. Suzanne Laporte Or Current Resident 17 Hesketh Street Chevy Chase, MD 20815	Mr. & Mrs. John C. Dugan Or Current Resident 20 Hesketh Street Chevy Chase, MD 20815
Ms. Dina R. Lassow Or Current Resident 16 Hesketh Street Chevy Chase, MD 20815	Ms. Robin C. Heller Or Current Resident 19 Grafton Street Chevy Chase, MD 20815
Mr. & Mrs. Thomas Schendt Or Current Resident 17 Grafton Street Chevy Chase, MD 20815	

  
I hereby certify that a public notice was mailed (and emailed where possible) to the  
aforementioned property owners on the 30<sup>th</sup> day of October, 2014.

**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**



# CHEVY CHASE VILLAGE

ESTABLISHED 1890

October 30, 2014

Mr. & Mrs. Perry Linder  
18 Hesketh Street  
Chevy Chase, MD 20815

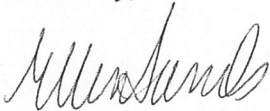
Dear Mr. & Mrs. Linder:

Please note that your request for a variance to construct a new stoop and portico on your property is scheduled for consideration before the Board of Managers on Monday, November 10, 2014 at 7:30 p.m. Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

A decision will be made by the Board at the hearing and staff will be directed to draft a decision for Board approval and signature by the Board secretary, following which the applicable Building Permit may be issued. No work may commence on the work until all applicable permits are obtained.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

## CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

[ccv@montgomerycountymd.gov](mailto:ccv@montgomerycountymd.gov)  
[www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)

## BOARD OF MANAGERS

MICHAEL L. DINGER  
*Chair*

PATRICIA S. BAPTISTE  
*Vice Chair*

RICHARD M. RUDA  
*Secretary*

DAVID L. WINSTEAD  
*Assistant Secretary*

GARY CROCKETT  
*Treasurer*

ROBERT C. GOODWIN, JR.  
*Assistant Treasurer*

ELISSA A. LEONARD  
*Board Member*

VILLAGE MANAGER  
SHANA R. DAVIS-COOK

LEGAL COUNSEL  
SUELLEN M. FERGUSON

# Chevy Chase Village Building Permit Application

Permit No: \_\_\_\_\_

**Property Address:** 18 HESKETH ST CHEVY CHASE, MD 20815

**Resident Name:** Perry W. & Judith A. Linder (Trustees)

Daytime telephone: (301) 718-0549

Cell phone:

After-hours telephone:

E-mail:

**Project Description:** Construct new front stoop, portico beyond the existing BRL with steps leading to sidewalk.

☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

**Primary Contact for Project:**

☐ Resident

☒ Architect

☐ Project Manager

☐ Contractor\*

\*MHIC/MD Contractor's License No. (required):

**Information for Primary Contact for Project (if different from property owner):**

Name: SARA O'NEIL-MANION AIA

Work telephone: 301-654-7004

After-hours telephone:

Cell phone:

E-mail: sonm@oneilandmanion.com

**Will the residence be occupied during the construction project?**

☒ Yes

☐ No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

**Parking Compliance:**

Is adequate on-site parking available for the construction crews?

☒ Yes

☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons?

☐ Yes

☒ No

**Building Permit Filing Requirements:**  
**Application will not be reviewed until the application is complete**

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

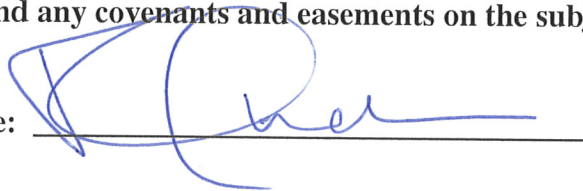
*Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.*

*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising the architect, contractor, or any other service provider may be posted on the work site.*

**I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.**

**Applicant's Signature:**



**Date:**

10/21/14

*To be completed by Village staff:*

Is this property within the historic district?

Yes ☐

No ☐

Staff Initials: \_\_\_\_\_

Date application filed with Village: 10/21/14

Date permit issued: \_\_\_\_\_

Expiration date: \_\_\_\_\_



For Use By Village Manager	Application approved with the following conditions:
<b>DENIED</b> OCT 24 2014 Chevy Chase Village Manager	Application denied for the following reasons: <i>Diana Jew</i> The proposed stoop, treads and overhang will expand the development non conformity.

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30.00</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$30.00</u>	Date: <u>10/20/14</u> Staff Signature: <i>Ellen Jones</i>

<b>Damage Deposit/Performance Bond</b> (due when permit is issued)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:



# Chevy Chase Village

## Application for a Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

<b>Subject Property:</b>	18 HESKETH ST CHEVY CHASE, MD 20815	
<b>Describe the Proposed Project:</b>	Construct new front stoop, portico beyond the existing BRL with steps leading to sidewalk.	
<b>Applicant Name(s) (List all property owners):</b>	Perry W. & Judith A. Linder (Trustees)	
<b>Daytime telephone:</b>	(301) 718-0549	<b>Cell:</b>
<b>E-mail:</b>		
<b>Address (if different from property address):</b>		
<b>For Village staff use:</b>		
<b>Date this form received:</b>	10/20/14	<b>Variance No:</b> A-6644

### Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ Completed Chevy Chase Village Website Posting Notice
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]  
Applicant's Signature: [Signature]

Date: 10/16/2014  
Date: 10/16/2014



**Describe the basis for the variance request** (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

The existing house front wall is already in front of the front building restriction line, and any improvement to the existing front of the house would be beyond the building restriction line.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

The proposed alteration to the existing steps is the minimum building code required rise and run, landings, stoop and entrance covering required by the International Residential Building Code 2012 Edition adopted by Montgomery County, and the Federal American Disability Act requirements for accessibility. There is insufficient space to provide anything other than the minimum.


The current condition where the uneven steps exit onto a steeply slope driveway does not meet accessible standards. To provide a safe access to the sidewalk, the steps are proposed to run straight. This house is the exception as the steps exit onto the steeply sloped driveway.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

The change proposed to the existing front steps and front stoop and extended covering over the front stoop to bring the steps, stoop and covering into building code and accessibility compliance, not affect the use of any neighboring property.

The stair is proposed to run straight to the sidewalk, similar to the majority of the other houses on the block.

*In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<b>Variance Filing Fee</b> <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____  <b>Fee Paid:</b> \$300.00	<b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815  <b>Date Paid:</b> 10/20/14 <b>Staff Signature:</b> 
	<b>Approved to Issue Building Permit per Board Decision Executed by the Board Secretary:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ Village Manager



CHEVY CHASE VILLAGE VARIANCE REQUEST – 18 HESKETH STREET  
ATTACHMENT A TO APPLICATION FORM

*Describe the special conditions of the property (e.g. odd shape, small size, topography, etc.):*

The site topography steeply slopes up a full floor level from the sidewalk to the main entry of the residence. The existing steps do not meet current building code requirements for consistency, riser and tread dimensions. To provide building code (IRC 2012 adopted by Montgomery County & NFPA Life Safety Code 101) compliant steps from the entrance level to the sidewalk (public way) the steps are proposed to be two straight runs with an intermediate landing and a top landing, which meets code compliant dimensions.

*Describe how enforcement of the building regulations would result in unwarranted hardship and injustice, because of the special conditions described above, the unwarranted hardship and injustice that you claim exist and how the special conditions cause that unwarranted hardship and injustice.*

The existing house front wall is already in front of the front building restriction line, and any improvement to the existing front of the house would be beyond the building restriction line. A variance is necessary, as enforcement of the regulations would prevent an elderly couple from staying in their residence as they age with increased infirmity. Without building and life safety code compliant stairs and hand rails, Mrs. Linder, who already is suffering limited vision from glaucoma and has fallen recently has the possibility of falling every time she uses the current non-compliant front stairs or attempts to walk up the steeply sloping driveway. Without a variance, current condition is a building and life safety code violation and an unwarranted hardship and an injustice.

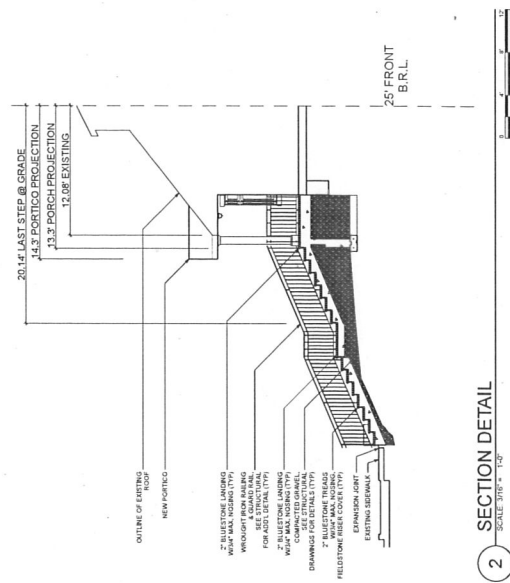
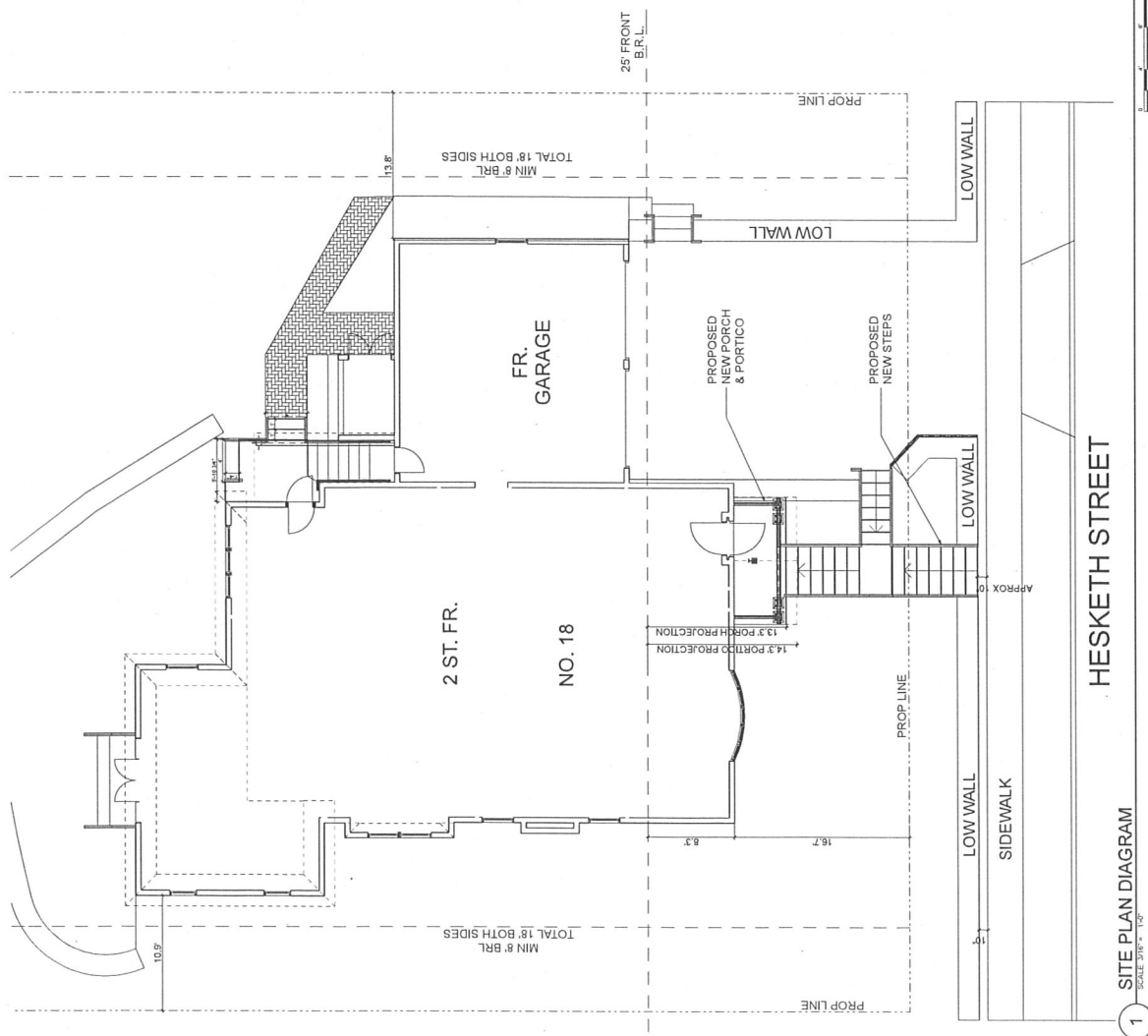
Without a covering over the front entry to prevent snow accumulation, the front entrance fails to meet the NFPA Life Safety Code (NFPA 101/2009 & COMAR NFPA 101/2012) provisions for a reliable clear means of egress. In the current condition, accumulated snow would prevent the front door from opening, which is an unwarranted hardship and a Life Safety code violation preventing the inhabitants from exiting, and fire and life safety providers from entering the residence during an emergency. Without a variance, the current condition does not meet life safety codes and is an unwarranted hardship and an injustice.

*Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the CCV code*

The proposed variance would not affect the use of any neighboring property, nor would it affect the use of Chevy Chase Village regular operations. The proposed variance would be similar to the majority of residence entry steps and covered entrances of the other residences on Hesketh Street, which have steps and/or walks extending straight from the front entrances to the sidewalk, and have front doors under a covering, that prevents snow accumulation, and code compliant means of egress.

The residence is subject to the Maryland National Capital Park & Planning Commission's (MNCPPC) Historic Preservation Commission (HPC) review and approval. The proposed changes would not adversely impact the character of the property or the neighborhood. With a north facing front entrance, the proposed changes would not alter adjacent or confronting neighboring property daylight, or the flow of light and air to the property and abutting properties. The design and style are in keeping with the residence and with the neighborhood.

The proposed alterations are also in keeping with Montgomery County's Design for Life legislation to encourage current residents to alter their residences to assist them to age in place.



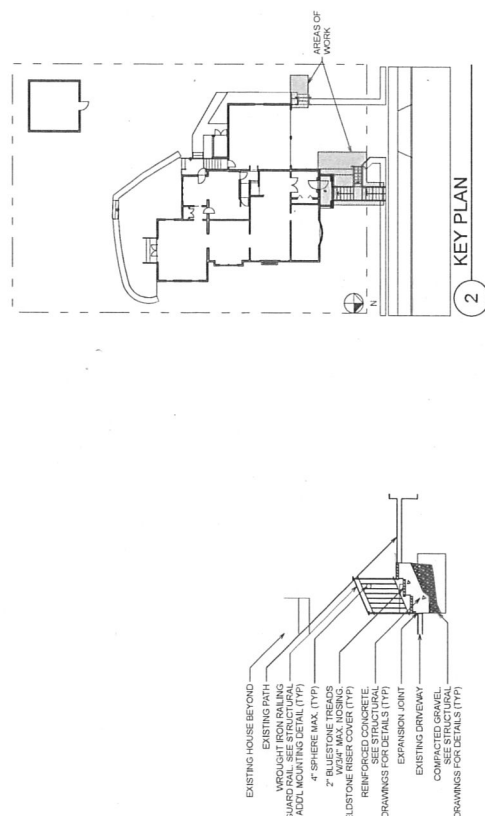
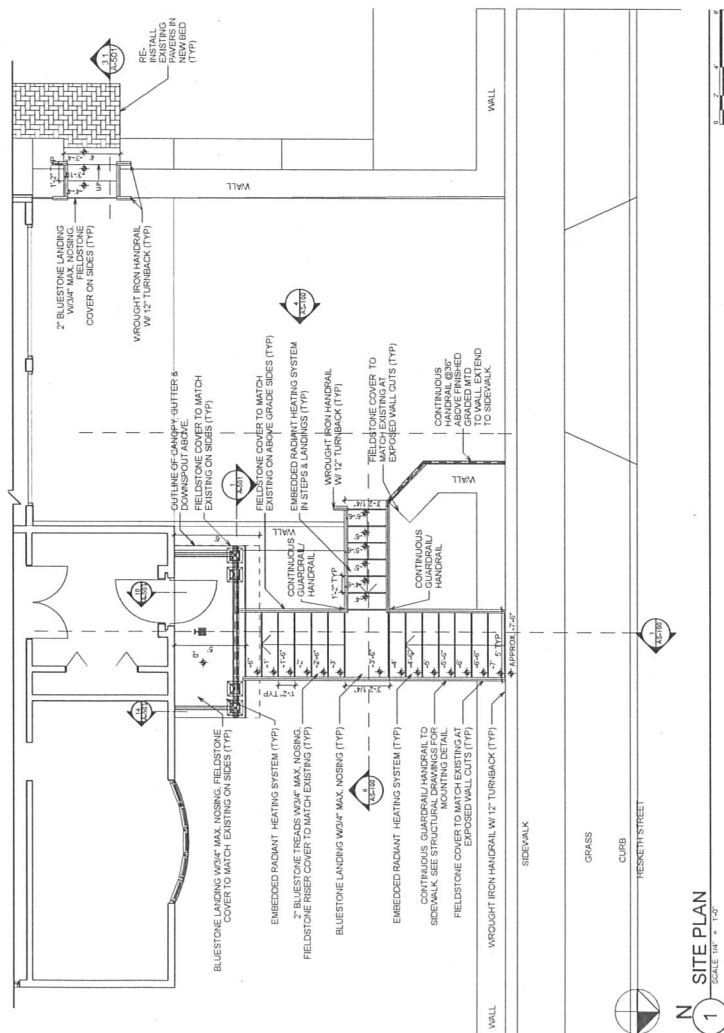
O'NEIL & MANION ARCHITECTS P.A.

LINDER RESIDENCE

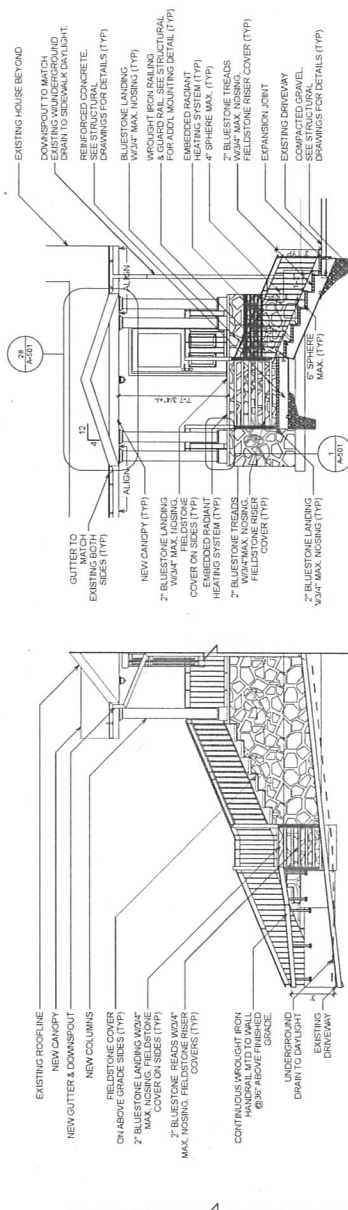
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WITHOUT WRITTEN PERMISSION OF O'NEIL & MARION ARCHITECTS P.A.

Concept Design  
OCTOBER 28, 2014

17



5 PATHWAY STAIR SECTION  
SCALE 1/4" = 1'-0"



4 ELEVATION  
SCALE 1/4" = 1'-0"

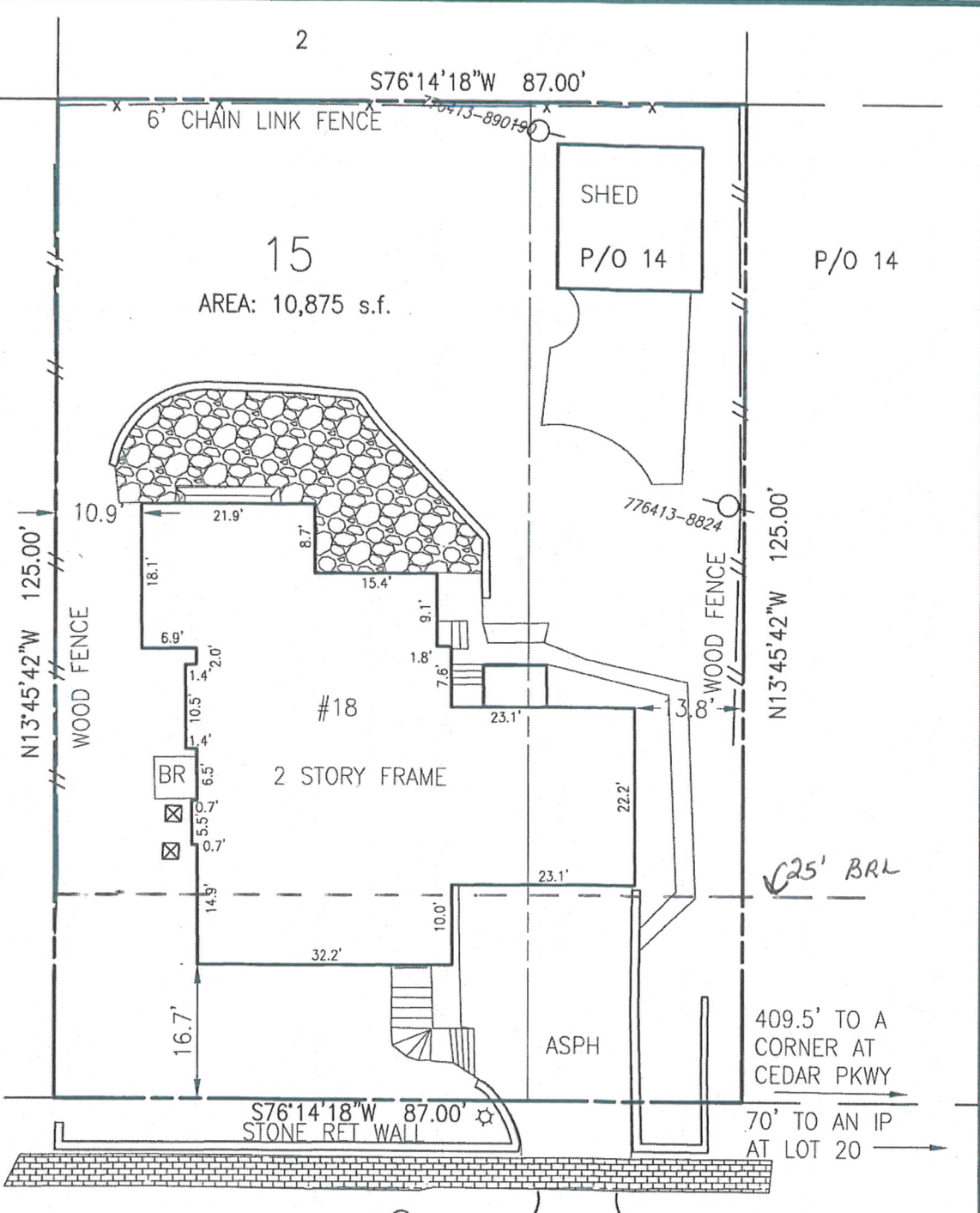
3 SECTION  
SCALE 1/4" = 1'-0"

P/O 16

MARYLAND STATE PLANE COORDINATES MAD 83/(2011)

SCALE: 1"=20'

CHEVY CHASE  
SECTION 2  
P.B. 2 No. 106



HESKETH STREET  
60' R/W

**SURVEYORS CERTIFICATE**

I hereby certify that the position of the existing improvements shown hereon have been carefully established under my responsible charge using accepted land surveying practices. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, easements, or other existing or future improvements. The plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. Dimensions to property lines shown are plus or minus 0.2'. This drawing was prepared w/o the benefit of a title report. This drawing and the survey on which it is based are in compliance with COMAR Reg. 9.13.06.06 and 9.13.06.12

STEVEN W. JONES  
PROFESSIONAL LAND SURVEYOR  
MD. No. 21072 EXP. 02/08/2015

HOUSE LOCATION SURVEY  
CHEVY CHASE  
SECTION 2

CHEVY CHASE  
BETHESDA 7th DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**CPJ** Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors  
1751 Elton Rd., Ste 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
www.cpja.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

CLIENT:	RUTH HENDERSON 1815 HESKETH STREET CHEVY CHASE, MD 20815	PRELIMINARY PLAN NO.	SITE PLAN NO.
DATE:	10-27-14	SCALE:	1" = 20'
COPYRIGHT © LATEST DATE HEREON CHARLES P. JOHNSON & ASSOCIATES, INC. ALL RIGHTS RESERVED. UNAUTHORIZED USE OF THIS DOCUMENT IS PROHIBITED.		FILE NO:	44-050-910

Attached Xrefs: BBox11 - P



EXAMINED

*Mailed to  
Thos J. Fisher &  
Wash D.C.  
April 4, 1911*

At the request of Edgar Buckingham the following deed was recorded April 1st A.D. 1911 at 8.48 o'clock A. M. to wit:-

THIS DEED, made this 28th day of March in the year one thousand nine hundred and eleven by and between Alfred C. Warthen and Emma Warthen, his wife, of the State of Maryland, parties of the first part, and Edgar Buckingham, of the District of Columbia, party of the second part;

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten Dollars to them paid by the said party of the second part, do hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements, easements and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:-

Lot numbered fifteen (15) in Block numbered Twenty four (24) Section Two "Chevy Chase" in the subdivision made by the Chevy Chase and Company of Montgomery County, Maryland, as per Plat of said Subdivision recorded in Plat Book No. 2 page 106 of the Land Records of Montgomery County, Maryland, said Plat of subdivision being a re-record of plat of subdivision recorded among said Land Records in Liber A. A. #36 folio 61.

SUBJECT to the covenants that all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds, or other outbuildings, for use in connection with such residences, and that no Trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises; and that no structure of any description shall be erected within twenty five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises. In the case of corner lots any and all lines bordering upon a street, avenue or parkway shall be considered a front line,

That no house shall be erected on said premises at a cost less than three thousand (3,000) dollars; that any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within ten (10) feet of the nearest adjacent house.

TO HAVE AND TO HOLD the said described land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, his heirs and assigns in fee simple.

AND the said Alfred C. Warthen hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals on the day and year first hereinbefore written.

Signed, sealed and delivered

451 Alfred C. Warthen (SEAL)

in the presence of- Geo. Bibb Brown

460 Emma Warthen (SEAL)

State of Maryland, County of Montgomery, to wit:-

I, Geo. Bibb Brown a Notary Public in and for the said State and County do hereby

EXAMINED

*Mailed to  
Fisher  
1420 7th Ave  
Wash D.C.  
April 6, 1911*



covenant to warrant and defend the land and premises hereby conveyed from and against the claims of all persons claiming or to claim the same or any part thereof, by, from, under or through him his heirs or assigns.

Witness my hand and seal the day and year first hereinbefore written.

Witness: *Emory H. Bogley* (SEAL) *Marion P. White* (SEAL)  
*District of Columbia, to wit: I hereby certify that on this 6<sup>th</sup> day of November, 1911, before the undersigned Notary Public and before the said district person appearing Marion P. White and discharging the foregoing duty, subscribed to his act and deed in testimony whereof, I have hereunto set my hand and affixed my Notary official seal this 6<sup>th</sup> day of November A. D. 1911.*  
*Emory H. Bogley*

# EXAMINED

*W. mailed*

*Thos J. Fisher Esq*

*Washington D.C.*

*Dec 16, 1911*

*for record*

At the request of Edgar Buckingham the following deed was recorded November 8th A. D. 1911 at 9.00 o'clock A. M. to wit:-

THIS DEED, made this Sixth day of November in the year one thousand nine hundred and eleven by and between the Chevy Chase Land Company of Montgomery County, Maryland, (a corporation duly organized under and by virtue of the laws of the State of Maryland) party of the first part, and Edgar Buckingham, of the District of Columbia party of the second part;

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Five Hundred (500) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described lands and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:-

THE East fifteen (15) feet front on Hesketh Street by the full depth thereof of Lot Numbered Fourteen (14) in Block Numbered twenty-four (24), Section Two, "CHEVY CHASE" in the Subdivision made by the Chevy Chase Land Company of Montgomery County, Maryland, as per Plat of said subdivision recorded in Plat Book #2 page 106, of the Land Records of Montgomery County, Maryland, said plat of subdivision being a re-record of the plat of subdivision recorded among said Land Records in Liber J. A. #36 folio 61.

TO HAVE AND TO HOLD the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, his heirs and assigns in fee simple.

IN CONSIDERATION of the execution of this deed, the said party of the second part, for himself and for his heirs and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns (such covenants and agreements to run with the land) as follows, viz:

1. That all house upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-house, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stables, carriage house, shed, or outbuilding, shall be erected except on the rear of said premises.

**Chevy Chase Village**  
**Website Posting Notice**  
**for Appeal, Special Permit & Variance Hearings**

Case Number:

A-6644 (a)+(b)

Hearing Date:

11/10/14

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name:

Perry & Judith Linder

Address:

18 Herkuth St

Telephone:

(301) 718-0549

E-mail:

Applicant/Appellant Signature:

Agent Name for applicant/appellant (if necessary):

Sara O'Neil-Mannion

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials:

gg

Date:

10/15/14